United Nations A/ES-10/763–S/2017/958

General Assembly
Security Council

Distr.: General
20 November 2017

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Seventy-second year

Identical letters dated 14 November 2017 from the Chargé d'affaires a.i. of the Permanent Observer Mission of the State of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

I regret to inform you that, in the absence of any serious measures of accountability pursuant to Security Council resolution 2334 (2016) and the countless other relevant United Nations resolutions demanding the cessation of Israel's illegal policies and measures in Occupied Palestine, including East Jerusalem, and an end to its more than half-century occupation, the occupying Power continues with its flagrant violations and methodical destruction of the two-State solution.

Following its recent provocative announcements regarding plans for the illegal construction of thousands more settlement units across the Occupied Palestinian Territory, the Israeli Government is forging ahead with its colonization and annexation schemes and escalating its confiscation of Palestinian land, demolition of Palestinian homes and properties and forced displacement of the Palestinian civilian population. This has included ongoing measures aimed at the forced transfer of thousands of Bedouin Palestinians from their lands. All this is being done in grave breach of international law and in direct and repeated violation of Security Council and General Assembly resolutions.

Earlier in November, demolition orders for approximately 60 homes and structures and evacuation notices were delivered by the Israeli occupying forces to Palestinian residents in the Ein al-Hilweh and Umm al-Jamal villages in the northern Jordan Valley in the Occupied West Bank. If implemented, those orders would result in the dispossession and forced transfer of at least 300 Palestinian civilians from the area, which has been designated for further settlement expansion by the occupying Power. In this regard, recent reports have revealed Israel's intentions to advance settlement construction in the Jordan Valley and to double the number of settlers it has illegally implanted there from 6,000 to at least 12,000.

Palestinian farmers in the village of Shofeh, near Tulkarem, have also received notifications from the Israeli occupying forces of the expropriation of several plots of agricultural land for the expansion of a nearby Israeli settlement and its infrastructure.

17-20620 (E) 241117

Please recycle

The occupying Power is also moving ahead with plans to confiscate another 50 dunums of Palestinian land in the Bethlehem area, along with numerous other plans for the demolition of Palestinian homes and the seizure of Palestinian properties throughout other areas of the Occupied West Bank, including East Jerusalem.

It is undeniable that the relentless theft of land and the continual forced dispossession and displacement of the Palestinian civilian population are central to Israel's attempts to alter the demography, character and geographic realities on the ground in the Occupied Palestinian Territory, and settlement activities are the main vehicle for the implementation of this illegal colonial agenda. Moreover, as all such actions are being perpetrated without consequence, the Israeli Government and its extremist settlers have clearly been further emboldened to continue and even intensify their land grab and crimes against the Palestinian people.

In this regard, we recall the Security Council's unequivocal condemnation, in its resolution 2334 (2016), of "all measures aimed at altering the demographic composition, character and status of the Palestinian Territory occupied since 1967, including East Jerusalem, including inter alia, the construction and expansion of settlements, transfer of Israeli settlers, confiscation of land, demolition of homes and displacement of Palestinian civilians", and the demand that Israel, the occupying Power, immediately and completely cease all settlement activities and that it fully respect all its legal obligations.

In the light of Israel's blatant and deliberate contempt and continuing non-compliance with United Nations resolutions and the applicable provisions of international law, including the Fourth Geneva Convention, we must also recall that the Security Council, in its resolution 2334 (2016), called upon all States to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967. Such distinctions, politically, legally and otherwise, have become ever more urgent as Israel has proven that, in the absence of measures of accountability, it intends to persist with its grave violations against the Palestinian people, with its colonization and attempts at annexation of the Palestinian land, and with its destruction of the viability of the two-State solution.

It is past high time for serious, concrete measures to be adopted by the international community to compel Israel, the occupying Power, to cease its violations and comply with international law and United Nations resolutions. Failure to do so will only allow for the continuation of these crimes against the Palestinian people and the prolongation of the abhorrent occupation, with far-reaching and negative consequences for the prospects for Palestinian-Israeli peace and for peace and stability in the region.

In closing, we highlight the Security Council's declared determination to examine all practical ways and means to secure the full implementation of its relevant resolutions and appeal for immediate action in this regard to ensure the necessary protections for the Palestinian people living under Israeli occupation, in accordance with international humanitarian law, and to salvage the remaining prospects for realizing the two-State solution on the basis of the pre-1967 borders and a just and lasting solution, in accordance with the relevant United Nations resolutions, the Madrid principles, the Arab Peace Initiative and the Quartet road map.

The present letter is in follow-up to our previous 620 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the territory of the State of Palestine. Those letters, dated from 29 September 2000 (A/55/432–S/2000/921) to 11 October 2017 (A/ES-10/762–S/2017/855), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations being

committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators brought to justice.

I should be grateful if you would have the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Feda **Abdelhady-Nasser**
Chargé d'affaires a.i.
Deputy Permanent Observer

United Nations A/ES-10/764–S/2017/1110

General Assembly
Security Council

Distr.: General
28 December 2017

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Seventy-second year

Identical letters dated 26 December 2017 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

I write to you with urgency, appealing for efforts to uphold the longstanding international consensus regarding Jerusalem, as enshrined in numerous Security Council and General Assembly resolutions. Considering recent decisions taken in violation of international law and those relevant resolutions — and in effective complicity with the grave breaches being perpetrated by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem — the international community must remain resolute in reaffirming the validity of the relevant resolutions and in demanding that they be fully respected.

In this regard, and in the light of the extremely regrettable decision announced by the President of Guatemala regarding the decision to move his country's embassy to Israel to the City of Jerusalem, we call upon all States to address this matter without delay, to reject this provocative, unlawful decision and to act swiftly to uphold the integrity and authority of United Nations resolutions.

We must recall, once again, the Security Council's numerous resolutions regarding Jerusalem, including resolutions 476 (1980) and 478 (1980). We recall, in particular, the Council's reaffirmations regarding the inadmissibility of the acquisition of territory by force; its recognition of the specific status of Jerusalem; and its clear determination that all legislative and administrative measures and actions taken by Israel, the occupying Power, which purport to alter the character and status of the Holy City of Jerusalem have no legal validity and constitute a flagrant violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.

It is also necessary to recall that the Security Council explicitly called upon all Member States to accept its decision not to recognize the "basic law" enacted by Israel on Jerusalem and any other such actions seeking to alter the character and status of Jerusalem, and directly called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City.

17-23539 (E) 040118

Please recycle

In the past, Guatemala conformed with this determination by the Security Council by transferring its embassy from Jerusalem to Tel Aviv. The recent announcement by President Morales of his intention to reverse this action would place Guatemala in breach of international law and the relevant resolutions. We are thus compelled to reiterate that neither this decision by Guatemala, nor any other action contrary to the Council's positions, has any legal effect and cannot change the applicability of international law to this situation.

However, such decisions will surely embolden Israel's illegal policies and measures in the City and the rest of the Occupied Palestinian Territory, rewarding the occupying Power for its intransigence, supporting its impunity and thus further obstructing peace prospects, all of which entail certain liability in the context of international law. Israel is not sovereign over Jerusalem, and the status of the City remains unresolved. Jerusalem has long been designated a final status issue in the Middle East peace process; East Jerusalem has remained occupied territory since 1967. In its resolution 2334 (2016), the Security Council unequivocally affirmed that the Council would not recognize any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the parties through negotiations. These are facts that cannot be disregarded or ignored, regardless of political pretexts and illogical justifications.

In this regard, we must also recall that the longstanding international consensus was yet again reaffirmed by the Security Council following the announcement by the President of the United States of America of his decision to recognize Jerusalem as capital of Israel and to transfer the United States embassy from Tel Aviv to Jerusalem, in contravention of the relevant resolutions. We recall the fact that the overwhelming majority of the Council — 14 member States — stood firm in rejection of that decision and in compliance with the relevant resolutions and their obligations under the Charter of the United Nations — in spite of the United States veto of the draft resolution presented to the Council for a vote on 18 December.

Moreover, we highlight the fact that the General Assembly, during its resumed tenth emergency special session, on 21 December 2017, adopted resolution ES-10/19, in which it stressed once again the abiding international position on Jerusalem, reaffirming the Assembly's compendium of relevant resolutions along with those of the Security Council. In its resolution ES-10/19, which also received overwhelming support, the Assembly demanded, inter alia, that all States comply with Security Council resolutions regarding the Holy City of Jerusalem and that they not recognize any actions or measures contrary to those resolutions. It also affirmed that any decisions and actions which purport to have altered the character, status or demographic composition of the Holy City of Jerusalem had no legal effect, were null and void and must be rescinded. The Assembly further called upon all States to refrain from the establishment of diplomatic missions in the Holy City of Jerusalem.

An unequivocal message must therefore be conveyed reaffirming the applicable laws and resolutions and opposing any such unilateral and provocative decisions by whomever and whenever. Moreover, these developments totally contradict the international and regional efforts, called for by the Security Council and the General Assembly, to create the conditions necessary for any meaningful peace negotiations to resolve this prolonged and tragic conflict. Those concerned with the promotion of peace and justice cannot reasonably condone or excuse such actions. We thus appeal again to all States to be resolute in their rejection of these actions and in their non-recognition of this unlawful situation.

The impact of such provocations cannot be underestimated, nor can the significance and sensitivity of Jerusalem to the Palestinian people, Muslims and Christians, and to all Arabs and Muslims worldwide. A comprehensive, just and

lasting solution to the question of Palestine cannot be achieved without a just and lasting solution to the question of Jerusalem.

The Security Council and the General Assembly have explicitly called for the protection of the City's unique spiritual, religious and cultural dimensions and heritage. They have also repeatedly affirmed the legitimate interest of the international community as a whole with respect to the question of Jerusalem, which has long-been accorded special political and legal status, beginning with General Assembly resolution 181 (II) of 1947, in which the City was designated a *corpus separatum*.

We thus call upon all States to act in conformity with the law and with a deep sense of responsibility, in the interest of peace. We further call upon the international community as a whole to act urgently to avert the further destabilization of this extremely volatile situation, which poses a threat to international peace and security. Any decisions or actions that disregard these fundamental legal, political and religious dimensions of the question of Jerusalem can only aggravate already-heightened tensions and further destabilize the situation, with far-reaching consequences. This includes the inflammation of religious sensitivities that risk transforming this solvable political-territorial conflict into a never-ending religious war, which can only be exploited by religious extremists, fuelling more violent radicalism and strife in the region and beyond.

At this critical and sensitive moment, it is vital for the international community to reaffirm the primacy of international law to the efforts to resolve the Israeli-Palestinian conflict and to reassert the credibility of the international system at this crucial moment. The decision of any State to render itself complicit with the Israeli occupation and its violations must be met by an immediate and firm response by the international community. Such collective resolve is indispensable if we are ever to salvage the two-State solution on the basis of the pre-1967 borders and to arrive at the day when the Israeli occupation is brought to an end and a just and lasting peace is achieved, whereby the Palestinian people can finally achieve their inalienable rights and achieve their freedom in their independent and sovereign State of Palestine, with East Jerusalem as its capital, living side by side in peace and security with all its neighbours.

I should be grateful if you would arrange to have the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

Riyad **Mansour**
Ambassador, Permanent Observer
of the State of Palestine to the United Nations